

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WOLFRAM KOEPPE,

Plaintiff,

-against-

DEUTSCHE LUFTHANSA AG,

Defendant.
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Civil No. 2008 Civ. 00048(RJH)

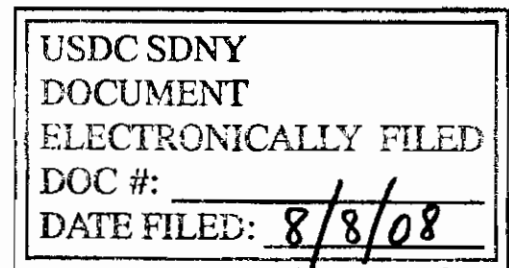
**~~PROPOSED~~ REVISED
SCHEDULING ORDER**

1. Description of the Case

- a. Identify the attorneys of record for each party, including lead trial attorney;

**William J. Fitzpatrick, Esq.
Goldberg Segalla LLP
200 Old Country Road, Suite 210
Mineola, New York 11501-4293
(516) 281-9810
Attorneys for Defendant**

**Noah Kushlefsky, Esq.
KREINDLER & KREINDLER LLP
100 Park Avenue
New York, New York 10017
(212) 687-8181
Attorneys for Plaintiff**



- b. State the basis for federal jurisdiction;

- 28 U.S.C. §1331 - Federal Question Jurisdiction regarding

**International Treaties and/or Conventions governing international air
travel.**

- 28 U.S.C. §1332 - Diversity of Citizenship - Plaintiff is a resident of

the United States and Defendant is a Foreign Corporation.

c. Briefly describe the claims asserted in the complaint and any counterclaims;

- Claims for personal injuries sustained during an international flight.

d. State the major legal and factual issues in the case; and

- The application of the Montreal Convention of 1999;

- Whether the plaintiff was injured in an "accident" as defined by the 1999 Convention or its predecessor international treaties;

- The injuries to the plaintiff and proximate cause;

- The law which applies;

- Whether there was comparative fault by the plaintiff;

- The plaintiff's injuries and physical condition.

e. Describe the relief sought.

- money damages for personal injuries.

2. Proposed Case Management Plan

a. Identify all pending motions; **- none**

b. Proposed date for joinder of additional parties; **- 30 days after party depositions.**

c. Proposed date for amendments to pleadings; **- 30 days after party depositions.**

d. Proposed schedule for completion of discovery:

i. Rule 26(a)(1) disclosures, if not previously completed; **- within 14 days of execution of this Order.**

ii. Fact discovery completion date; **- October 1, 2008 (originally August 1, 2008)**

iii. Deadline for Rule 26(a)(2) disclosures; **- November 1, 2008 (originally**

September 1, 2008)

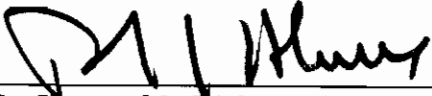
- iv. Expert discovery completion date, including dates for delivery of expert reports; - **expert reports by November 1, 2008; expert depositions completed by November 30, 2008 (originally expert reports by September 1, 2008; expert depositions completed by September 30, 2008)**
 - e. Deadline for filing dispositive motions: - **November 1, 2009) (originally September 1, 2008)**
 - f. Date for filing a final pretrial order; -**December 15, 2008 (Originally October 15, 2008)**
 - g. Proposed trial schedule:
 - i. Whether a jury trial is requested; - **Yes**
 - ii. The probable length of trial - **3-4 days**
 - iii. When the case will be ready for trial - **January 15 2009 (Originally November 15, 2008)**
3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge. **No.**
4. Status of Settlement Discussions
- a. Indicate whether any settlement discussions have occurred; **Yes.**
 - b. Describe the status of any settlement discussions; **a demand will be made shortly.**

c. Whether parties request a settlement conference. **Held on July 16th before**

Magistrate Judge Dollinger

Dated:
New York, New York

*Status conference to be held
on 10/17/08 at 11:00 am*
SO ORDERED



The Honorable Richard J. Holwell
UNITED STATES DISTRICT JUDGE